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Book Reviews

CASES IN QUASI CONTRACT.—Selected and edited by Edward S. Thurston. West Publishing Company, St. Paul, Minnesota. 1916. pp. 622. \$4.00.

This selection of cases by Edward S. Thurston, Professor of Law in the University of Minnesota, is issued as one of the American Casebook Series. The selection includes in addition to a careful selection of American cases, many early English decisions and presents clearly the historical development of the subject.

H. H. P.

BANKRUPTCY FORMS ANNOTATED. Second Edition. By Marshall S. Hagar and Thomas Alexander. Matthew Bender & Company, 109 State street, Albany, New York. 1916. pp. liv, 622. \$9.00.

The scope of this work is broader than is indicated by its title, including as it does in addition to bankruptcy forms, annotations to and illustrative cases of the General Orders in Bankruptcy. The rules of the several United States District Courts relating to bankruptcy are included, the whole presenting a practical work of value to the busy practitioner.

H. H. P.

A TREATISE ON THE AMERICAN AND ENGLISH WORKMEN'S COMPENSATION LAWS. By Arthur B. Honnold. Vernon Law Book Co., Kansas City, Mo. 1917. 2 vols. pp. x, 1905. \$15.00.

One who undertakes to furnish the bar with a handbook upon a subject new and rapidly growing undergoes the danger of having his work superseded, and the investment of his time and trouble rendered comparatively valueless. Therefore, any attempt so to do is deserving of every encouragement, for he may render a great service in two ways, by collecting and arranging a mass of yet undigested authorities, and also by generalizing and commenting upon them so that reasonable and workable theories may ultimately be obtained upon an undeveloped subject, still confused with legislative crudities. Mr. Honnold has attempted only the first of these services, and has done it in a way that will be most useful. His first volume contains a clear analysis and presentation of the authorities. The second volume is a compilation of the statutes of the various states and England with a synopsis of the German law, useful to those who wish to contrast or compare the laws of different jurisdictions. So far Mr. Honnold has come to the relief of the bar and student in a very satisfactory manner, but the value of his service is impaired considerably by the index, which, generally speaking, is an alphabetical arrangement of nouns rather than principles. One having occasion to look up a question relating to an injury caused by a stroke of lightning or slipping on a banana peel will find himself referred to cases in which injuries from these

causes have occurred, but if the injury arises from some cause as to which no case seems yet to have arisen, as for instance a landslide, the searcher will have difficulty in finding cases in point through the index. It is only fair to state that with the principles as yet chaotic any other manner of indexing than that which Mr. Honnold has chosen would be exceedingly difficult, but the general matter of the first volume is so excellent that one wishes he had tried his hand at a more lawyer-like arrangement.

Mr. Honnold cannot be blamed for not attempting to generalize and criticize more than he has done. He has presented himself as a compiler rather than as a critic, but in no subject is a critic with a logical and, if the terms may be used, a "Gray"-ian or "Wigmore"-ian mind more needed.* Mr. Honnold seems worthy to attempt this task. It is again a pity that he withheld his hand.

A. T. W.

MAGNA CARTA AND OTHER ADDRESSES. By William D. Guthrie. Columbia University Press. New York City. 1916. pp. x, 282. \$1.50 net.

The merit of these addresses is considerable, as might have been expected from the high professional character and learning of their author. Those on "Constitutional Morality" and on "The Eleventh Amendment" are particularly interesting and abound in valuable suggestions. The advantage of Mr. Guthrie's point of view lies in his lawyer-like attitude, which recognizes the fundamental necessity for forms and conventions.

This point of view, however, sometimes leads the author to advocate positions merely because they are traditional. In the address on Magna Carta, for example, though apparently familiar with the results of modern investigation as set forth in such a book as "McKechnie's Magna Carta," Mr. Guthrie nevertheless justifies the utterly indefensible thesis that trial by jury is somehow guaranteed by that instrument. Such a statement as that "it is sufficient for us that the antecedents of the modern jury system in all its three forms of grand jury, criminal jury and civil jury existed at the time of Magna Carta and were preserved by it," is wholly inexcusable. The lawyer cannot strengthen his cause by resolutely shutting his eyes to facts which may be established by a reference to any respectable modern text book on English history.

O. K. M.

THE PROSECUTION OF JESUS: ITS DATE, HISTORY AND LEGALITY. By Richard Wellington Husband. Princeton University Press, Princeton, N. J. 1916. pp. 302. \$1.50 net.

* Mr. Bohlen's interesting and instructive articles from this point of view on a single phase of the subject should not be passed without notice. See 25 Harvard Law Review 401, 517.